

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

<b>CALVIN C. MONTGOMERY,</b>	)	
	)	
<b>Petitioner/Defendant,</b>	)	
	)	<b>CIVIL NO. 10-cv-356-DRH</b>
<b>vs.</b>	)	
	)	<b>CRIMINAL NO. 06-cr-30071</b>
<b>UNITED STATES of AMERICA ,</b>	)	
	)	
<b>Respondent/Plaintiff.</b>	)	

**MEMORANDUM AND ORDER**

**HERNDON, Chief Judge:**

This matter is before the Court on Petitioner's motion for relief pursuant to 28 U.S.C. § 2255

Petitioner pleaded guilty, pursuant to a written plea agreement, to one count of being a felon in possession of a firearm in violation of 18 U.S.C. § 922(g)(1). On March 20, 2008, Petitioner was sentenced 188 months imprisonment, 5 years supervised release, a \$100 assessment, and a \$750 fine. Petitioner filed a direct appeal, but the decisions of this Court were affirmed by the Seventh Circuit Court of Appeals. *United States v. Montgomery* No. 08-1690 (7<sup>th</sup> Cir., affirming district court February 13, 2009). Petitioner sought, but was denied, a petition for a writ of certiorari from the Supreme Court of the United States. *Montgomery v. United States*, 129 S.Ct. 2413 (2009).

In his § 2255 motion, Petitioner contends that both his trial counsel and his appellate counsel provided him ineffective assistance.

The Court **ORDERS** the Government to file a response to Petitioner's motion within

**THIRTY (30) DAYS** of the date of this Order. The Government shall, as part of its response, attach all relevant portions of the record.

**IT IS SO ORDERED.**

**DATED:** July 13, 2010

/s/ DavidRHerndon  
**DISTRICT JUDGE**